



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

February 19, 2015

Certified Mail
7012 3460 0003 1113 0147
Return Receipt

R.R. Lewis Small Water Company
4500 E. Fremont Street
Stockton, CA 95215

Attention: Larry Ostrom – Manager

**Subject: Public Water System No. 4600017 – Citation 01-02-15(C)001
January 2015 Violation of Bacteriological Monitoring Requirements**

Enclosed is Citation 01-02-15(C)001, issued to the R.R. Lewis Small Water Company (Company). This Citation is being issued because the Company failed to comply with bacteriological monitoring requirements during January 2015.

Please be aware that the Directives section of the Citation contains required actions that must be taken by the Company to return to compliance. If these actions are not taken by the dates stipulated in the directives, the State Water Resources Control Board may assess separate additional penalties of up to \$1,000 per day per directive, in accordance with Section 116650 of the California Health and Safety Code.

If you have any questions regarding this matter, please call staff engineer Steve Watson at (530) 224-4828 or me at (530) 224-4800.

A handwritten signature in black ink, reading "Michael J. McNamara".

Michael J. McNamara, P.E.
Lassen District Engineer
Drinking Water Field Operations Branch

cc: Bruce Burton, Assistant Deputy Director, Northern California Drinking Water Field Operations
Richard L. Hinrichs, Chief, Northern California Section
Rami Kahlon, California Public Utilities Commission

Enclosure

sww \ 4600017 RR Lewis SWC \ File: Enforcement

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: R.R. Lewis Small Water Company
4500 E. Fremont Street
Stockton, CA 95215

Attn: Larry Ostrom, Manager

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64424 AND SECTION 64430 - WATER SYSTEM NO. 4600017**

CITATION NO. 01-02-15(C)001

Issued on February 19, 2015

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter “California SDWA”), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the R.R. Lewis Small Water Company (hereinafter, Company) (4500 E. Fremont Street, Stockton, CA 95215) for violation of California Code of Regulations (CCR), Title 22, Section 64424 and Section 64430.



(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour

1 time period. A single service connection system may request that the Department allow
2 the collection of the repeat sample set over a four-day period.

3 (1) For a water supplier that normally collects more than one routine sample a
4 month, a repeat sample set shall be at least three samples for each total coliform-
5 positive sample. For a water supplier that normally collects one or fewer samples per
6 month, a repeat sample set shall be at least four samples for each total coliform-positive
7 sample.

8 (2) If the water supplier is unable to collect the samples within the 24-hour
9 time period specified in subsection (a) or deliver the samples to the laboratory within 24
10 hours after collection because of circumstances beyond its control, the water supplier
11 shall notify the Department within 24 hours. The Department will then determine how
12 much time the supplier will have to collect the repeat samples.

13
14 **California Code of Regulations, Title 22, Section 64430 provides, under §141.402**
15 **of 40 Code of Federal Regulations, in relevant part:**

16 (2) Sampling requirements. A ground water system must collect, within 24
17 hours of notification of the total coliform-positive sample, at least one ground water
18 source sample from each ground water source in use at the time the total coliform-
19 positive sample was collected under 22 California Code of Regulations sections 64422
20 and 64423.

21 (i) The State may extend the 24-hour time limit on a case-by-case
22 basis if the system cannot collect the ground water source water sample within 24 hours
23 due to circumstances beyond its control. In the case of an extension, the State must
24 specify how much time the system has to collect the sample.

25 (iii) A ground water system serving 1,000 people or fewer may use a
26 repeat sample collected from a ground water source to meet the requirements of Title
27 22, California Code of Regulations, Section 64424.



STATEMENT OF FACTS

The Company operates a community water system which serves a population of approximately 225 people through 119 service connections. The water system includes two gravity springs, known as Anderson Spring and Wixson Spring, six distribution reservoirs, four pressure zones, and a sodium hypochlorite disinfection system for the water produced from Anderson Spring. The Company operates under a Water Supply Permit No. 01-02-93(P)46023, issued on December 31, 1993.

On January 5, 2015, three routine bacteriological samples were collected from the following sample site locations: sites A-3, A-2, and 5-A. The sample from site 5-A was found to contain total coliform bacteria. This result was reported by the laboratory to the Company by email on January 6, 2015.

On January 8, 2015, on or about 10:00am, the Company collected two repeat samples from the following locations: 5-A and Wixson Tank. On the same day, at 2:31pm, the Company contacted the Division via email, stating they had only three locations to collect repeat samples: 5-A, Wixson Tank, and McDermott's. The Company then requested advice on how to proceed. Division staff informed the Company that a sample from the Wixson Spring was required under the Ground Water Rule, and this sample could be counted as their fourth repeat sample.

On January 12, 2015, the Company contacted Division staff via email and stated that the Wixson Spring was not accessible. By this time the repeat samples from 5-A and the Wixson Tank were found to be absent of total coliform bacteria. On the presumption that if the water from the Wixson Tank was absent of total coliform bacteria, so would

1 the Wixson Spring, Division staff agreed to accept the result from the Wixson Tank as
2 the Company's Ground Water Rule sample.

3
4 As of January 12, 2015, the Company had still not collected the final two repeat
5 samples required. No repeat sample had been collected from McDermott's. As
6 reported by the Company, the McDermott's were not home and therefore a repeat
7 sample was not collected from that location. The Company requested that the
8 remaining two repeat samples be waived. Division staff denied this request and
9 instructed the Company to collect the remaining two repeat samples from another good
10 sampling location that was available in the distribution system. The Company
11 responded that they would wait and sample other locations later in the month as they
12 became available. Division staff responded by reminding the Company that the
13 regulations require four repeat samples be collected within 24 hours of being notified of
14 a routine total coliform positive sample and instructed the Company to make
15 arrangements to collect and deliver the remaining two repeat samples from location 5-A
16 to their state certified laboratory by no later than close of business January 13, 2015.

17
18 On January 16, 2015, the Company informed Division staff that the remaining two
19 repeat samples had been collected that day from at or around the McDermott site,
20 stating the locations were "not the best sampling spot as it was from a frost proof
21 hydrant and the service was at the end of the line."

22
23 A summary of the bacteriological sampling results for January 2015 is as follows:

<u>Date</u>	<u>Time Collected</u>	<u>Location</u>	<u>Designation</u>	<u>Result</u>
01/05/2015	11:16am	A-2	Routine	Absent
01/05/2015	11:08am	A-3	Routine	Absent



	<u>Date</u>	<u>Time Collected</u>	<u>Location</u>	<u>Designation</u>	<u>Result</u>
1					
2	01/05/2015	11:27am	5-A	Routine	Present
3	01/08/2015	10:07am	Wixson Tank	Repeat	Absent
4	01/08/2015	09:57am	5-A	Repeat	Absent
5	01/16/2015	10:36am	McDermott-1	Repeat	Absent
6	01/16/2015	10:36am	McDermott-2	Repeat	Absent

DETERMINATIONS

The Division has determined that Company violated Section 64426.1(b)(2), Title 22, of the CCR, during January 2015, in that the Company failed to collect four repeat samples within 24 hours of being notified of the presence of total coliform bacteria in a routine sample collected from the distribution system.

The Division has also determined that the Company violated Section 64430, Title 22, of the CCR, during January 2015, in that the Company failed to collect a source water sample from Wixson Spring, prior to the Wixson Storage Tank, following the routine total coliform positive sample collected on January 5, 2015. Although in this instance the sample from the Wixson Tank was accepted as the Ground Water Rule sample, in all future monitoring periods, source water samples must be collected directly from the source as prescribed in Section 64430, Title 22, of the CCR.

CIVIL PENALTY

Sections 116650(d) and 116650(e) of the California Health and Safety Code allow for the assessment of a civil penalty for failure to comply with requirements of the California SDWA. During January 2015, the Division finds that the Company was in violation of

1 Section 64424 by failing to collect all four repeat samples within 24 hours of being
2 informed of the original routine sample which was found to contain total coliform
3 bacteria. As a result, the Division hereby assesses R.R. Lewis Small Water Company a
4 civil penalty in the amount of \$500.00.

5
6 **DIRECTIVES**

7
8 The Company is hereby directed to take the following actions:

9
10 1. Comply with Section 64424 and 64430, Title 22, of the CCR in all future
11 monitoring periods.

12
13 2. Within 30 days of the issuance of this Citation, but in no case later than
14 **March 24, 2015**, notify all persons served by the Company of the MCL violation
15 as required by Section 64463.4 and Section 64465, Title 22, of the CCR.

16 Notification shall be completed in accordance with each of the following:

17 a. Mail or direct delivery of the notice contained in Attachment 'A' to each
18 customer receiving a bill including those that provide their drinking water
19 to others (e.g., schools or school systems, apartment building owners, or
20 large private employers), and other service connections to which water is
21 delivered by the Company.

22 b. Provide the notice contained in Attachment 'A' by publication in a local
23 newspaper to reach persons not likely to be reached by a mailing or direct
24 delivery:

25 Changes and/or modifications to Attachment 'A' shall not be made unless
26 approved by the Division.

27

- 1 3. Complete and return Attachment 'B' entitled "Compliance Certification" by
2 **March 31, 2015**. A copy of the notices used to provide public notification shall
3 be attached to the form.
4
- 5 4. Within 30 days of the issuance of this Citation, but in no case later than
6 **March 31, 2015**, install a sample tap on the inlet piping of the Wixson Tank
7 which receives water directly from the Wixson Spring and submit pictures of the
8 installation. Beginning **April 1, 2015**, and continuing each month the Wixson
9 Spring is operational, collect one sample from this location labeling the sample
10 "Wixson Spring" with the designation of "Raw."
11
- 12 5. Submit to the Division by **March 10, 2015**, a check for the penalty of \$500.00
13 imposed by this Citation, and a copy Attachment 'C' entitled "Notice of Citation
14 Issuance." The citation number shall be written on the check. The check shall
15 be made payable to the **California Division of Drinking Water – Safe Drinking**
16 **Water Account**.
17

18 Nothing in this Citation relieves the Company of its obligation to meet the requirements
19 of the California SDWA or any regulation, permit, standard or order issued or adopted
20 thereunder. The Division reserves the right to make such modifications to this Citation,
21 as it may deem necessary to protect public health and safety. Such modifications may
22 be issued as amendments to this Citation and shall be effective upon issuance.
23
24
25
26

1 All documents required by this Citation to be submitted to the Division shall be
2 submitted to the following address:

3
4 Michael J. McNamara, P. E.
5 Lassen District Engineer
6 Division of Drinking Water
7 State Water Resources Control Board
8 364 Knollcrest Drive, Suite 101
9 Redding, CA 96002
10

11 **FURTHER ENFORCEMENT ACTION**
12

13 The California SDWA authorizes the Board to: issue citation with assessment of
14 administrative penalties to a public water system for violation or continued violation of
15 the requirements of the California SDWA or any permit, regulation, permit or order
16 issued or adopted thereunder including, but not limited to, failure to correct a violation
17 identified in a citation or compliance order. The California SDWA also authorizes the
18 Board to take action to suspend or revoke a permit that has been issued to a public
19 water system if the system has violated applicable law or regulations or has failed to
20 comply with an order of the Board; and to petition the superior court to take various
21 enforcement measures against a public water system that has failed to comply with or
22 violates an order of the Board. The Board does not waive any further enforcement
23 action by issuance of this citation.
24
25
26
27

PARTIES BOUND

This Citation shall apply to and be binding upon the Company, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and the Company shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

2/19/2015

Richard L. Hinrichs

Date

Richard L. Hinrichs, P.E.

Chief, Northern California Section

Division of Drinking Water

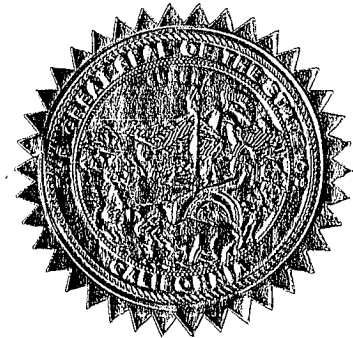
State Water Resources Control Board

Attachments:

'A' Public Notification Template

'B' Certification of Completion

'C' Notice of Citation Issuance



CERTIFIED MAIL 7012 3460 0003 1113 0147

cc: Bruce Burton, Assistant Deputy Director,

-Northern California Drinking Water Field Operations

Richard L. Hinrichs, Chief, Northern California Section

Rami Kahlon, California Public Utilities Commission

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

Monitoring Requirements not met for R.R. Lewis Small Water Company's Domestic Water System

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct the situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During January 2015, we did not complete the testing for total coliform bacteria in the time frames required, and therefore cannot be sure of the quality of our drinking water during that time.

What Should You Do?

There is nothing you need to do at this time.

What Happened? What Was Done?

When a routine bacteriological sample collected from our distribution system is found to contain total coliform bacteria, we are required to collect four repeat samples from the distribution system in order to determine if there is contamination in the water system. By regulation, these samples must be collected within 24 hours of being notified of the presence of total coliform bacteria in the distribution system. These samples are required within 24 hours in order to confirm whether or not contamination is present in the drinking water so that appropriate actions can be taken by water system personnel in order to protect public health.

On January 6, 2015, our laboratory reported that one of the routine samples collected from the area of the distribution system served by Wixson Spring was found to contain total coliform bacteria. On January 8, 2015, we collected two repeat samples, which were both absent of total coliform bacteria. On January 16, 2015, we collected the final two repeat samples, which were also both absent of total coliform bacteria.

Because we delayed in collecting all of our repeat samples for eight days, we are unable to know if the water being served to our customers was indeed contaminated at the time. However, samples that have been collected indicate that as of the date they were collected, the drinking water appeared to be free of contamination.

In the future, water system personnel plan to collect the required number of repeat samples within the required time periods.

For more information please contact Larry Ostrom, R.R. Lewis Small Water Company, at (209) 948-1882.

COMPLIANCE CERTIFICATIONCitation Number: **01-02-15(C)001**Name of Water System: **R.R. Lewis Small Water Company**System Number: **4600017**

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violations of Title 22, California Code of Regulations (CCR) for the compliance period of January 2015. In addition, I certify that the R.R. Lewis Small Water Company complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Public Notification, as required by Directive 2(a)	_____
Public Notification, as required by Directive 2(b)	_____
Installation of sample tap, as required by Directive 4	_____
Photos of sample tap, as required by Directive 4	_____
Payment of \$500.00 Administrative Penalty to the Division of Drinking Water in Sacramento, as required by Directive 5	_____
_____	_____
Signature of Water System Representative	Date

Attach a copy of the photos of the sample tap, a copy of the direct delivery notice, a copy of the notice published in the newspaper, and a copy of the check for payment of civil penalty.

<p align="center">THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER THAN MARCH 31, 2015.</p>

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.

**STATE OF CALIFORNIA
Division of Drinking Water
State Water Resources Control Board**

Notice of Citation Issuance

System Name: R.R. Lewis Small Water Company

System Number: 4600017

Background Statement

During the month of February 2015, the Division of Drinking Water issued Citation Number 01-02-15(C)001 to the R.R. Lewis Small Water Company. The citation carried an administrative penalty in the amount of \$500.00

Method of Payment

A check for the total amount of the administrative penalty and a copy of this form shall be submitted to the Division by **March 10, 2015**. The citation number shall be written on the check. The check shall be made payable to the California Division of Drinking Water Safe Drinking Water Account and submitted to:

SWRCB Accounting Office
Attn: Drinking Water Program
PO Box 1888
Sacramento, CA 95812-1888

Please attach check below: